

To: Pat Hanna, President, Academic Senate

From: Tom Loveridge, Assoc. VP for Human Resources

Date: October 27, 2011

Subject: Rule 5-113A Follow-up

At the October 3 Senate meeting the Senate received on the Information Calendar materials regarding a set of Human Resources regulations proposed for revision (those materials were at page 267 of the Oct agenda). Among the regulations included in those proposed revisions was new Rule 5-113A Drug Free Workplace—(for Staff Employees only---not applicable for faculty). The explanatory memo for that set of proposals included a summary of the proposed new Rule 5-113A, which stated:

“New Rule 5-113A Drug Free Workforce Provisions. This new Rule, which is associated with existing Policy 5-113, will set out the criteria and process for staff employee drug testing at the University (excluding the Hospital, which already has a drug testing policy). It identifies three types of jobs that have a higher standard—safety sensitive jobs, security-sensitive jobs, and patient-sensitive jobs. Otherwise, managers should focus on job performance and on-the-job conduct.”

However, inadvertently, we failed to include in the information packet a copy of the complete text of that new Rule. It should have been included at page 291 of that Oct agenda packet. To ensure that you do receive the full appropriate information about all of the regulations changes made as part of that overall set of proposals, we are providing for you now the following pages, which should have been included for you in October. If you have questions about this new Rule, please contact me at x1-3296, or I will be at the November meeting to take any questions.

Checklist & coversheet form—for submitting to Academic Senate Executive Committee
Proposal for addition/revision of University Regulation.
(Rev.2010-09-20)

1. Regulation(s) involved (type, number, subject): **Rule 5-113 A: Drug Free Workplace Provisions**

2. Responsible Policy Officer (name & title): **Loretta Harper, VP for Human Resources**

3. Contact person(s) for questions & comments (name, email, phone#): **Tom Loveridge, tom.loveridge@utah.edu or 801-581-3296.**

4. Presenter to Senate Exec (if different from contact person, name, phone#):

5. Approvals & consultation status.
 - a. Administrative Officers who have approved (VP/President, name & date): **Loretta Harper, 02/14/11; Lorris Betz, 7/22/11**
 - b. Committees/Councils/other Officers consulted: **Council Academic Deans 05/06/11, U of U Staff Council 04/10/11, Health Sciences 05/04/11, Legal 04/14/11, IPC 11/16/10.**

6. Check **YES** or **NA** (not applicable) of documents submitted--- (In digital form. Preferred file format MS Word doc. Special exception allowed for PDF format if previously arranged.)
 - Yes** Explanatory memorandum (key points of proposal, rationale).
 - Yes** VP/Presidential approval signatures/**email** (separate sheet, or affixed to memo cover).
 - Yes** Text of proposed Regulation addition/revision.
 - Yes** (If revision of existing Regulation) text changes are *clearly marked*, using *permanent* font markings (not MS Word 'Track' Changes non-permanent markings).

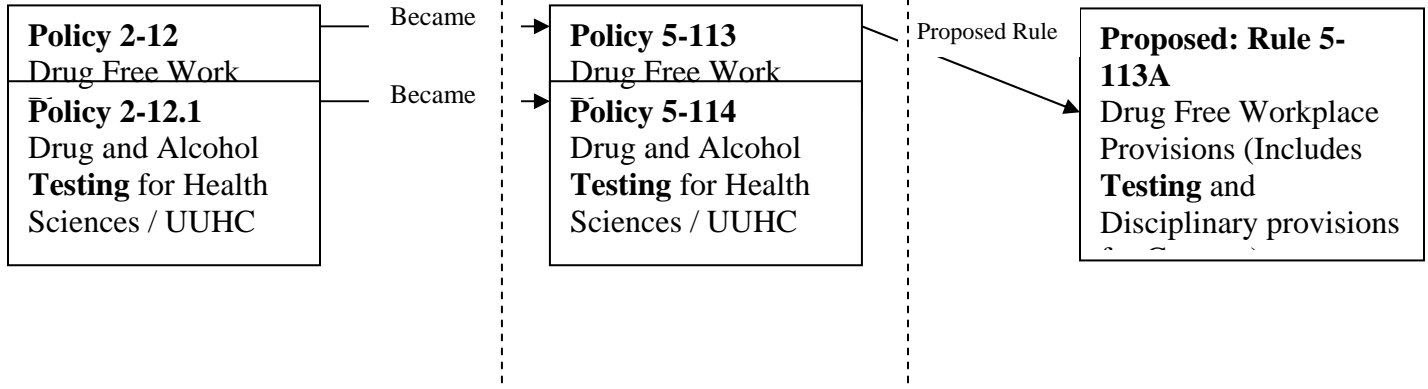
Date submitted to Senate Office: **August 8, 2011**

The Executive Committee will consider whether the proposal is ready for presentation to the full Senate, and if so will schedule it for a subsequent Senate meeting either as i) a matter of academic significance-- set on the "Intent" & "Debate" Calendars over two monthly meetings with final "approval" voting at the second, or ii) not academically significant—set on the "Information" Calendar for a single monthly meeting, with opportunity for questions and recommendations. See Policy 1-001 <http://www.regulations.utah.edu/general/1-001.html> ; Rule 1-001 <http://www.regulations.utah.edu/general/rules/R1-001.html> ; Senate procedures <http://www.admin.utah.edu/asenate/index.html> . Further information-- Senate Office: Nancy Lines 581-5203 nancy.lines@utah.edu

Cover Sheet for Proposed New Rule 5-113A

Recent History of Drug Free Work Place Policy:

In Regulations Library Currently



Background: This proposed rule 5-113A sets out the criteria and process for staff drug and alcohol testing at the University (excluding the Hospital, which already has a drug and alcohol testing Policy). The proposed rule 5-113A identifies three types of positions or activities that have a higher standard, both for testing and for disciplinary measures. The positions and activities are broadly identified as those positions and activities which are determined to be safety-, security-, and/or patient-sensitive. Otherwise, managers should focus on job performance and on-the-job conduct.

Highlights to this Rule:

- Staff Accountability – makes provisions for staff accountability in terms of drug free workplace and in terms of sticking to the standards of work/performance expected.
- Testing – Provides provisions for testing when employed in a position or engaged in activity that is considered to be safety-, security-, and/or patient-sensitive.
- Alcohol Testing – Lays out the criteria, handling and standards for Alcohol testing.
- Drug Testing – Lays out the criteria, handling and standards for Drug testing.
- Identifies how the University will act when staff member involved is not in a position or engaged in activity considered to be safety-, security-, and/or patient-sensitive.
- Provisions self referral and treatment (at staff member's expense) when self reporting / seeking assistance with a drug and/or alcohol dependency issue.
- Provides generally for disciplinary action to be taken – regarding violation of the rule.
- Provides language complaint to the 'Drug Free Workplace Act' of 1988 – regarding criminal convictions which violate Policy 5-113 and/or Rule 5-113A
- Addresses prescription and over-the-counter medications – with specific regard to implications in the workplace.